

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

Vineyard Vines, LLC,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 1:16-cv-00665-GMS
v.	)	
	)	Jury Trial Demanded
Eric Efergan dba Bethany Beach Hut	)	
and Surf Shop and Tropicana Swimwear,	)	
	)	
Defendant.	)	

**CONSENT JUDGMENT AND PERMANENT INJUNCTION**

WHEREAS Plaintiff Vineyard Vines, LLC (“Vineyard Vines”) has filed this action against Defendant for, *inter alia*, violations of the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*, and common law unfair competition;

WHEREAS Defendant Erez Efergan aka Eric Efergan, the President and sole owner of Holiday Spirit, Inc. dba Bethany Beach Hut and Surf Shop and Tropicana Swimwear (collectively, the “Efergan Parties”) having entered into a settlement agreement with Vineyard Vines and having stipulated, without any admission of liability, to entry of a permanent injunction; and

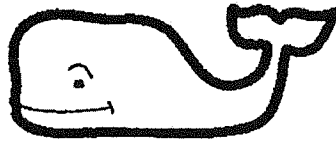
WHEREAS, Vineyard Vines and the Efergan Parties, having indicated below their consent to the form and entry of this *Consent Judgment and Permanent Injunction* as to the Efergan Parties;

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

1. That Defendant Erez Efergan aka Eric Efergan, Holiday Spirit, Inc. dba Bethany Beach Hut and Surf Shop and Tropicana Swimwear, and their members, owners,

officers, agents, servants, employees and attorneys, and those in active concert or participation with any of them, who receive actual notice hereof, be and hereby are permanently ENJOINED from:

- a. Using the Vineyard Vines Whale Design trademark shown below,



using the whale designation shown on the goods in Exhibit A hereto, and using any other colorable imitation of the Vineyard Vines Whale Design trademark in connection with the manufacturing, packaging, labeling, importation, exportation, advertising, promoting, marketing, offering, selling or distribution of clothing goods, heat transfer decals, and any other goods in the United States.

- b. Engaging in any other activity that constitutes an infringement or dilution of the Vineyard Vines Whale Design trademark or Vineyard Vines' exclusive ability to use or exploit its mark;
- c. Assisting, aiding, or abetting any other person or business entity in engaging in or in performing any of the activities referred to in subparagraphs a and b above.

**IT IS FURTHER ORDERED** that the claims asserted against Defendant in this lawsuit are hereby dismissed with prejudice and with the consent of Plaintiff.

**IT IS STILL FURTHER ORDERED, HOWEVER,** that this Court has jurisdiction over Vineyard Vines, Defendant Erez Efergan aka Eric Efergan, Holiday Spirit, Inc., and the subject matter of the action. This Court shall retain jurisdiction to the

extent necessary to enforce this permanent injunction and the settlement agreement between Vineyard Vines and the Efergan Parties, and to determine any issues that may arise under either.

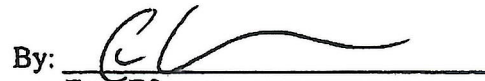
**CONSENTED TO BY VINEYARD  
VINES, LLC**

Dated: 9/29, 2016

By:   
Its: Counsel Counsel

**CONSENTED TO BY EREZ  
EFERGAN aka ERIC EFERGAN,  
Individually and On Behalf Of  
HOLIDAY SPIRIT, INC. dba  
BETHANY BEACH HUT AND SURF  
SHOP AND TROPICANA  
SWIMWEAR.**

Dated: 9/29, 2016

By:   
Erez Efergan

SO ORDERED this    day of            2016.

UNITED STATES DISTRICT JUDGE